

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

WASEEM DAKER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:19-cv-365 (MTT)
)	
Commissioner TIMOTHY WARD, et al.,)	
)	
Defendants.)	
_____)	

ORDER

On January 30, 2023, plaintiff Waseem Daker, pursuant to Federal Rule of Civil Procedure 60(b), moved to vacate the Court's February 23, 2021 Order (Doc. 17) and Judgment (Doc. 18). Doc. 24. Daker argues the Court should vacate its Order and Judgment because (1) he has moved for a new trial in his criminal case, and (2) his attorney in that case has requested "evidence" from the Georgia Department of Corrections. *Id.* at 3-6. Because of these facts, Daker contends that his claims in his recast complaint are "not frivolous." *Id.* at 6.

Daker has not demonstrated that any of these alleged facts present grounds for relief from judgment under Rule 60(b). The Court dismissed Daker's recast complaint based on improper joinder and failure to follow the Court's orders. Doc. 17. This dismissal was recently upheld by the Eleventh Circuit. Doc. 25. Accordingly, Daker's motion to vacate (Doc. 24) is **DENIED**.

SO ORDERED, this 30th day of May, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT